

Timothy Smith  
C-71549  
B-2-249U  
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FILED  
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CLERK OF U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Pro Per

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**TIMOTHY WAYNE SMITH,**

Petitioner,

v.

**JAMES YATES,**

Respondent.

No.

**RMW** **(PR)**  
MOTION FOR  
APPOINTMENT OF  
COUNSEL PURSUANT  
TO 18 U.S.C. SECTION  
3006(a)(2)(B)

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 18 U.S.C. section 3006(a)(2)(B), petitioner respectfully applies for the appointment of counsel. This application is supported by the attached declaration of Timothy Wayne Smith and the financial form which has been submitted with my petition for writ of habeas corpus..

Dated: December 11, 2007

Respectfully submitted,

*Timothy Wayne Smith*

Timothy Wayne Smith  
Petitioner in pro per

DECLARATION OF TIMOTHY WAYNE SMITH

I am the petitioner in *Smith v. Yates*. I am a layperson and am completely unschooled in the law. In my opinion, there are meritorious grounds stated in my petition. However, due to my lack of knowledge of legal principles, I am unable to skillfully present my case. Thus, I am in need of legal counsel.

In addition, I would note that it is likely that an evidentiary hearing will be necessary in this case since the state court did not hold one. Thus, I would respectfully request that the Office of the Federal Public Defender be appointed to represent me in this proceeding.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11 day of December, 2007, at Coalinga, California.

  
Timonty Wayne Smith